

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LOUIS S. PROSPERI and
SUSAN I. PROSPERI,

Plaintiffs,

vs.

2:06cv501
Electronic Filing

TOWNSHIP OF SCOTT, BOARD OF
COMMISSIONERS OF TOWNSHIP OF
SCOTT, DAVID JASON, individually and in
his capacity as Vice President and Commissioner
of the Township of Scott, JANET A.
BEERHALTER, individually and in her capacity
as Commissioner of the Township of Scott,
THOMAS M. CASTELLO, individually and in
his capacity as Commissioner of the Township
of Scott, J. DAVID HENDERSON, individually
and in his capacity as Commissioner of the
Township of Scott, EILEEN MEYERS,
individually and in her capacity as Commissioner
of the Township of Scott, JAMES WALTHER,
individually and in his capacity as Commissioner
of the Township of Scott, JEAN O'TOOLE,
individually and in her capacity as Commissioner
of the Township of Scott, CRAIG C.
STEPHENS, individually and in his capacity as
President and Commissioner of the Township
of Scott, and LENNON, SMITH, SOULERET
ENGINEERING, INC., individually and in its
capacity as engineer of the Township of Scott.

Defendants.

MEMORANDUM ORDER

AND NOW, this 8 day of June, 2007, after the plaintiffs filed a civil rights

complaint in the above-captioned case, and after the defendants moved for partial summary judgment on Count III of the complaint, and after a Report and Recommendation was issued by the United States Magistrate Judge, and the parties were granted thirteen days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the pleadings, and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the motions for partial summary judgment on Count III of the complaint filed by defendants Scott Township, its Board of Commissioners, and the individually named Commissioners (Document No. 67) and by Lennon, Smith, Souleret Engineering, Inc. (Document No. 71) are GRANTED.



David Stewart Cercone
United States District Judge

cc: Honorable Robert C. Mitchell
United States Magistrate Judge

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